IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

Bail Appl..No. 7362 of 2006()

AGAINST THE ORDER IN BA.6611/2005 Dated 01/12/2005
CRIME NO.450/05 OF PANTHALAM POLICE STATION

.....

PETITIONER/1ST ACCUSED

BIJU, S/O. PONNAPPAN,
BIJU BHAVANAM, MANNATHANATHU,
POOZHIKKADU, KUDASSANADU, PANDALAM.

BY ADV. SRI.C.S.MANILAL

RESPONDENT: COMPLAINANT

STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7362 OF 2006

DATED THIS THE 12TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the first accused in Crime No.450/05 of Panthalam Police Station for offences punishable under sections 8 (1) and 8(2) of the Abkari Act for allegedly having been found in joint possession of 9 litres of arrack on 27.10.2005, seeks anticipatory bail.

2. As per Annexure I order dated 1.12.2005 in B.A.No.6611/05, this court was not inclined to grant anticipatory bail to the petitioner. But he was, however, directed to surrender before the Magistrate concerned on 21.12.2005 and the Magistrate was directed to consider his application for bail and pass appropriate orders on the same day itself. Admittedly, the petitioner did not surrender before the Magistrate on the dates specified by this court. Anticipatory bail cannot be granted in a case of this nature. However, notwithstanding the opposition made by the learned Public Prosecutor, I am inclined to grant one more opportunity to the petitioner to surrender before the Magistrate.

Accordingly, if the petitioner surrenders before the Magistrate having jurisdiction within one week from today and files an application for regular bail, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn